HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 8339 OF 2004

DATE: 16.7.2007

Between:

Maddi Subba Rao, S/o Sitaramanjaneyulu

…Petitioner

AND

1. The Superintendent of Police, Guntur Division, Guntur and seven others.

….Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 8339 OF 2004

ORAL ORDER:

The grievance of the petitioner is that with regard to the cyber crime said to have been committed by respondents 4 and 5, he has lodged a private complaint on the file of IV Additional Munsif Magistrate, Guntur, which was referred for enquiry and report. Based on which, a Crime No. 160 of 2003 was registered under Sections 120-B, 500, 501(b), 506, 507, 509 of the IPC R/w Section 34 IPC and Section 67 of the Information Technology Act, 2000, by the Sub-Inspector of Police, Guntur, but the said Crime is liable to be investigated by the Sub-Divisional Police Officer/ Deputy Superintendent of Police, Guntur Town, second respondent herein. After completing the investigation final report dated 31.12.20045 was filed on the file of IV Additional Munsif Magistrate, Guntur after serving notice on the complainant on 5.3.2007.

In view of the above, I am of the opinion that when the investigation is completed and final report was made ready on 31.12.2004, there was no any justification on the part of the second respondent in not filing the final report before the concerned Court. However, it is for the concerned IV Additional Munsif Magistrate, Guntur to consider the said report and take appropriate action under Section 159 of the Criminal Procedure Code. It is also open for the petitioner to take appropriate action either to contest it or to file a proper complaint in accordance with law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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V. ESWARAIAH, J

Date: 16.07.2007
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